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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:)	
PETITION TO AMEND THE ARIZONA)	Supreme Court No. R-08-0008
RULES OF CIVIL PROCEDURE)	
RULE 8(h)(1) AND RULE 84)	

PETITIONER'S REPLY

Pursuant to Rule 28 of the Rules of the Arizona Supreme Court, the Arizona Supreme Court, Administrative Office of the Courts (AOC), hereby files this reply on behalf of the Civil Cover Sheet Workgroup (Workgroup), seeking approval of the Workgroup's proposed rule changes as modified herein in response to comments received.

On March 5, March 20, and April 3, 2008, the Workgroup met to consider the comments that were filed or otherwise communicated to Workgroup staff since the rule petition was circulated in January 2008. The changes proposed in the attached Appendix A are intended to replace the original proposals for Rule 8(h) and Rule 84.

STATE BAR OF ARIZONA COMMENTS TO RULE 8(H)

The modifications and additional rule changes proposed by the State Bar of Arizona are in keeping with the goals of the original petition, and, therefore, the Workgroup supports the following changes made to Rule 8(h):

1. Amendment of the title of Rule 8(h)(1) to include a reference to Civil Cover Sheets.
2. Exclusion of the Civil Cover Sheet as a form in Rule 84. The Civil Cover Sheet will need to be revisited and revised periodically when new case types or statistical analysis is needed. This means that the Civil Cover Sheet needs to maintain flexibility, and the placement of the Civil Cover Sheet in Rule 84 would eliminate that flexibility. The procedures required to amend a form in Rule 84 of the Arizona Rules of Civil Procedure are strictly defined and would make frequent revisions a burdensome process. The Workgroup has removed the

Civil Cover Sheet from Rule 84 and will allow the AOC to prescribe and make revisions to the Civil Cover Sheet form.

3. The various classes of information to be contained on the Civil Cover Sheet were eliminated. This will allow additional flexibility as to the categories that may be included on the Civil Cover Sheet.
4. Change “at the time of” filing to “When” filing. Add the language “or petition” and “or petitioner” to Rule 8(h).

WORKGROUP COMMENTS TO RULE 8(H)

Based on the discussions in the Workgroup, the following additions were made to Rule 8(h):

1. Change “file” to “complete and submit” to more accurately describe how the Civil Cover Sheets are processed by the clerks. The Civil Cover Sheets are used for data entry into the Superior Court’s case management system, and are not part of the court record nor are they placed in the court’s case file.
2. The Workgroup supports a standard civil cover sheet. Rule 8(h) should reflect that the standard text would not change without approval of the Administrative Director of the AOC. The courts will be allowed some discretion on the numbering of case categories, instructional information, court name and address, formatting changes, and language placed in the blank box at the top right-hand corner. Rule 8(h) further states that the Civil Cover Sheet will be maintained on the AOC website. The following language was added to Rule 8(h):

The Civil Cover Sheet shall contain the main case categories and subcategories designated by the Administrative Director. The courts may also make changes to the civil cover sheet as to court name and address, numbering associated with case category designations for computer data entry, instructional information and technical formatting changes (for example, number of pages, line and margin spacing, font size or development of non-English translations). Additional language may be added by the courts in the blank box located at the top right of the civil cover sheet, including but not limited to the language “For Official Use Only.” Any other proposed alterations or deviations from the approved forms, including text changes, shall be submitted to the Administrative Director of the Administrative Office of the Courts or his designee for approval prior to use. The Administrative Director may revise the form as necessary and the civil cover sheet will be maintained on the Administrative Office of the Courts website.

STATE BAR OF ARIZONA COMMENTS ON CIVIL COVER SHEET

The modifications and additional changes proposed by the State Bar of Arizona are in keeping with the goals of the original petition, and, therefore, the Workgroup supports the following changes made to the Civil Cover Sheet:

1. Grammatical errors regarding the improper use of apostrophes were corrected.
2. The “File Stamp” language was removed from the blank box at the top right corner of the page.
3. Subcategory codes were placed on the Civil Cover Sheet.
4. The section on Amount in Controversy was removed from the Civil Cover Sheet.

WORKGROUP COMMENTS ON CIVIL COVER SHEET

The Workgroup supports the removal of the Civil Cover Sheet from Rule 84. The newest version of the Civil Cover Sheet is attached as Appendix B and is a two-page document, instead of a one-page document. The newest version includes additional categories and sub-categories, plus language on the complexity of a case.

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that the court adopt its rule change proposals as modified herein.

Respectfully submitted this 20th day of June, 2008.

David K. Byers

Electronic copy filed with the
Clerk of the Supreme Court of Arizona
This 20th day of June, 2008
by: Cindy Cook

APPENDIX A

(New language not previously proposed appears
UNDERLINED AND CAPITALIZED)

Proposed Rule 8(h)

Rule 8(h)(1). CIVIL COVER SHEETS; Classification of Civil Actions

(1) ~~Counsel for plaintiff or petition shall describe in the caption of each complaint or petition filed with the court the nature of the civil action or proceeding as follows: Tort Motor vehicle, Tort Non-Motor Vehicle, Contract, Domestic Relations, Eminent Domain or Non-classified Civil, Writ of Garnishment. WHEN~~ At the time of filing the initial complaint OR PETITION in a civil action, the plaintiff shall file COMPLETE AND SUBMIT a Civil Cover Sheet in A the form PRESCRIBED BY THE ADMINISTRATIVE OFFICE OF THE COURTS. set forth in Rule 84. The Administrative Director or his designee may revise or approve requested alterations in this form. The Civil Cover Sheet shall contain the MAIN CASE CATEGORIES AND SUBCATEGORIES DESIGNATED BY THE ADMINISTRATIVE DIRECTOR. following: plaintiff(s) correct name and mailing address; the name of plaintiff's attorney and bar number; the defendant's name(s), the nature of the civil action or proceeding and such other information as the court may require. The superior court in each county may attach an additional page to the Civil Cover Sheet, if necessary, for supplementary information. such as other case types or indication of the complexity of a case.

THE COURTS MAY ALSO MAKE CHANGES TO THE CIVIL COVER SHEET AS TO COURT NAME AND ADDRESS, NUMBERING ASSOCIATED WITH CASE CATEGORY DESIGNATIONS FOR COMPUTER DATA ENTRY, INSTRUCTIONAL INFORMATION AND TECHNICAL FORMATTING CHANGES (FOR EXAMPLE, NUMBER OF PAGES, LINE AND MARGIN SPACING, FONT SIZE OR DEVELOPMENT OF NON-ENGLISH TRANSLATIONS). ADDITIONAL LANGUAGE MAY BE ADDED BY THE COURTS IN THE BLANK BOX LOCATED AT THE TOP RIGHT OF THE CIVIL COVER SHEET, INCLUDING BUT NOT LIMITED TO THE LANGUAGE "FOR OFFICIAL USE ONLY".

ANY OTHER PROPOSED ALTERATIONS OR DEVIATIONS FROM THE APPROVED FORMS, INCLUDING TEXT CHANGES, SHALL BE SUBMITTED TO THE ADMINISTRATIVE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS OR HIS DESIGNEE FOR APPROVAL PRIOR TO

USE. THE ADMINISTRATIVE DIRECTOR MAY REVISE THE FORM AS NECESSARY AND THE CIVIL COVER SHEET WILL BE MAINTAINED ON THE ADMINISTRATIVE OFFICE OF THE COURTS WEBSITE.

(2) Writs of garnishment do not require a Civil Cover Sheet. Writs of garnishment shall include under the caption of the petition or complaint whichever one of the following notations is applicable:

- (A) Federal exemption
- (B) Enforce order of support
- (C) Enforce order of bankruptcy
- (D) Enforce collection of taxes
- (E) Non-earnings.

(3) In those counties in which a complex civil litigation program has been established, in addition to the description required by (1), ~~the caption shall also identify the action as complex~~ the box on the Civil Cover Sheet next to Rule 8(i) complex litigation shall be marked if the action meets the criteria listed in Rule 8(i).

APPENDIX B

**In the Superior Court of the State of Arizona
In and For the County of _____**

Case Number _____

CIVIL COVER SHEET- NEW FILING ONLY
(Please Type or Print)

Plaintiff's Attorney _____ Attorney's Bar Number _____

Plaintiff's Name(s): (List all)

Plaintiff's Address:

(List additional plaintiffs on additional page)

Defendant's Name(s): (List All)

(List additional defendants on additional page)

EMERGENCY ORDER SOUGHT: ☐ Temporary Restraining Order ☐ Provisional Remedy ☐ OSC
☐ Election Challenge ☐ Employer Sanction ☐ Other _____
(Specify)
☐ RULE 8(i) COMPLEX LITIGATION (See page two if applicable)

NATURE OF ACTION

(Place an "X" next to the one case category that most accurately describes your primary case.)

TORT MOTOR VEHICLE:

- ☐ Non-Death/Personal Injury
☐ Property Damage
☐ Wrongful Death

TORT NON-MOTOR VEHICLE:

- ☐ Negligence
☐ Product Liability – Asbestos
☐ Product Liability – Tobacco
☐ Product Liability – Toxic/Other
☐ Intentional Tort
☐ Property Damage
☐ Legal Malpractice
☐ Malpractice – Other professional
☐ Premises Liability
☐ Slander/Libel/Defamation
☐ Other (Specify) _____

MEDICAL MALPRACTICE:

- ☐ Physician M.D. ☐ Hospital
☐ Physician D.O. ☐ Other

CONTRACTS:

- ☐ Account (Open or Stated)
☐ Promissory Note
☐ Foreclosure
☐ Buyer-Plaintiff
☐ Fraud
☐ Other Contract
☐ Real Property Excess Proceeds
☐ Construction Defects (Residential/Commercial)
☐ Six to Nineteen Structures
☐ Twenty or More Structures

OTHER CIVIL:

- ☐ Eminent Domain/Condemnation
☐ Tax Appeal
(All other tax matters must be filed in the AZ Tax Court)
☐ Forcible Detainer
☐ Other Landlord Tenant
☐ Change of Name
☐ Transcript of Judgment

OTHER CIVIL: (Continued)

- ☐ Foreign Judgment
- ☐ Declaratory Judgment
- ☐ Habeas Corpus
- ☐ Quiet Title
- ☐ Restoration of Civil Rights (Federal)
- ☐ Clearance of Records (A.R.S. §13-4051)
- ☐ Injunction against Workplace Harassment
- ☐ Injunction against Harassment
- ☐ Tribal Judgment
- ☐ Structured Settlement (A.R.S. §12-2901)
- ☐ Attorney Conservatorships (State Bar)
- ☐ Unauthorized Practice of Law (State Bar)
- ☐ Out-of-State Deposition for Foreign Jurisdiction
- ☐ Secure Attendance of Prisoner
- ☐ Assurance of Discontinuance

- ☐ In-State Deposition for Foreign Jurisdiction
- ☐ Election Contest
- ☐ Eminent Domain– Light Rail Only
- ☐ Interpleader– Automobile Only
- ☐ Delayed Birth Certificate (A.R.S. §36-333.03)
- ☐ NCC- Employer Sanction Action (A.R.S. §23-212)
- ☐ Minor Abortion (See Juvenile in Maricopa County)
- ☐ Civil Penalty
- ☐ Employment Discrimination
- ☐ Other Employment
- ☐ Special Action Against Lower Courts
(See lower court appeal cover sheet in Maricopa)
- ☐ Administrative Review
(See lower court appeal cover sheet in Maricopa)
- ☐ Other _____
(Specify)

COMPLEXITY OF THE CASE

Place an “X” in the box of no less than one of the following:

This case involves:

- ☐ Antitrust/Trade Regulation
- ☐ Construction Defect with many parties or structures
- ☐ Mass Tort
- ☐ Securities Litigation with many parties
- ☐ Environmental Toxic Tort with many parties
- ☐ Class Action Claims
- ☐ Insurance Coverage Claims arising from the above-listed case types
- ☐ A Complex Case as defined by Rule 8(i) ARCP

Additional Plaintiff(s)

Additional Defendant(s)
